



IT IS ORDERED

Date Entered on Docket: August 28, 2017

The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

In Re:

KEVIN SMITH,

No. 17-11526-j7

Debtor,

PRESTIGE FINANCIAL
SERVICES, INC.,

Movant.

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY
AND ABANDONMENT BY DEFAULT

This matter came before the Court on Movant's Motion for Relief From Stay and Abandonment (Doc. #16) filed on July 14, 2017. Pursuant to Bankruptcy Rule 9014, a copy of the motion along with a Notice of Deadline For Filing Objections To Motion For Relief From Stay (Doc. #17) were mailed on July 14, 2017 to the Debtor, pro se and the

trustee, requiring that an objection be filed with the court and served on attorney for movant on or before August 8, 2017. The Notice was served in the manner prescribed by Bankruptcy Rule 7004 and no objection or other responsive pleading has been filed by the Debtor, its attorney or the trustee.

Creditor certifies under penalty of perjury, pursuant to 50 USCA Appx Section 521 (2004), that it conducted a search of the Department of Defense Manpower Data Center and found that Debtor is not currently on active military duty.

THE COURT FINDS AND ORDERS that the Motion for Relief From Stay and Abandonment filed by Movant on July 14, 2017 in this case is well taken, the motion is granted, the automatic stay is terminated as to the 2009 Nissan Maxima (the "Collateral") and the Collateral is deemed abandoned by the trustee. Movant may proceed with its legal remedies as to the Collateral pursuant to the contract and applicable law.

The Court further orders that Rule 4001(a)(3) is not applicable and Creditor may immediately enforce and implement this order granting relief from the automatic stay.

###END OF ORDER###

SUBMITTED BY:

LAW OFFICES OF ALLAN L.
WAINWRIGHT, P.A.

By /s/Allan L. Wainwright
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